

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JO ANN O'CONNOR ET AL,

No. C-14-00210 DMR

Plaintiff(s),

**ORDER TO SUBMIT SUPPLEMENTAL  
BRIEFING**

v.

CARRINGTON MORTGAGE SERVICES  
LLC,

Defendant(s).

On March 25, 2014, Plaintiffs Jo Ann O'Connor and Robert H. O'Connor filed a motion for default judgment. [Docket No. 10.] On March 26, 2014, the court issued an order describing the deficiencies in Plaintiffs' motion and ordered them to re-file a properly-noticed motion for default judgment. [Docket No. 11.] The court also ordered Plaintiffs to address in the re-filed motion their entitlement to default judgment pursuant to the *Eitel* factors, *see Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986), as well as the court's personal jurisdiction over Defendant, adequacy of service on the Defendant, and to submit evidence of claimed damages.

Plaintiffs filed a new motion for default judgment on April 11, 2014. [Docket No. 16.] Having reviewed the motion, the court finds that it is still deficient as to adequacy of service on the Defendant and evidence of damages. Specifically, Plaintiffs argue that service of the summons and complaint on "Jan Lipides, Agent for Service of Process" is proper under Federal Rule of Civil Procedure 4(e), and submit a supporting declaration by a process server, but have not submitted any

evidence that “Jan Lipides” is in fact Defendant’s authorized agent for service of process. In addition, in Plaintiffs’ original motion for default judgment, they ask for damages of \$1,200,000.00 plus interest and costs. In their new motion, it appears that Plaintiffs’ request for actual damages is based upon emotional distress, but they do not specify the amount of actual damages they seek. Finally, Plaintiffs ask for \$8,700.00 in attorneys’ fees and \$400.00 in costs, but do not support these requests with evidence. The court also notes that as to Plaintiffs’ request for attorneys’ fees, Plaintiffs are unrepresented in this matter and have not provided authority supporting their entitlement to attorneys’ fees.

The court will give Plaintiffs one final chance to remedy these deficiencies in their motion for default judgment. Plaintiffs shall submit supplemental briefing addressing these matters by no later than **May 5, 2014**.

Immediately upon receipt of this Order, Plaintiffs shall serve Defendant with a copy of this Order and file a proof of service with the court. In addition, at the time Plaintiffs file their supplemental briefing, they must serve Defendant with a copy of their submission and file a proof of service with the court.

IT IS SO ORDERED.

Dated: April 18, 2014

